



**MICHAEL N. FEUER**  
CITY ATTORNEY

December 20, 2017

The Honorable Nicholas G. Garaufis  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Consent Motion for Leave to File Amicus Brief  
on Behalf Cities and Counties, the National  
League of Cities and the United States Conference  
of Mayors in Support of Plaintiffs

*State of New York, et al. v. Donald Trump, et al.*,  
No. 17-CV-5228 (NGG) (JO); and  
*Batalla Vidal, et al. v. Kirstjen Nielsen, et al.*,  
No. 16-CV-4756 (NGG) (JO)

Dear Judge Garaufis:

I respectfully submit this letter to seek this Court's leave to file an amicus brief on behalf of the City of Los Angeles, as well as other cities and counties from across the country, the National League of Cities and the United States Conference of Mayors.<sup>1</sup> Proposed *amici* have conferred with Plaintiffs in the above-referenced cases as well as the Department of Justice, all of whom consent to this letter motion for leave to file an amicus brief.

"District courts have broad discretion in deciding whether to accept amicus briefs." In re *HSBC Bank, USA, N.A., Debit Card Overdraft Fee Litig.*, 14 F. Supp. 3d 99, 103 (E.D.N.Y. 2014) (citation omitted); *Concerned Area Residents for Environ. v. Southview Farm*, 834 F. Supp. 1410, 1413 (W.D.N.Y. 1993). In particular, amicus briefs "should normally be allowed

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<sup>1</sup> Proposed *amici* submit this letter motion under Section II.A and III.A of Your Honor's Individual Rules.

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when . . . the amicus has unique information or perspective that can help the court” or when the case involves “matters of public interest.” *Citizens Against Casino Gambling v. Kempthorne*, 471 F. Supp. 2d 295, 311 (W.D.N.Y. 2007) (citations omitted).

These two cases involve “matters of public interest,” in which proposed *amici* have significant interest and on which they can provide a unique perspective. More than 1 in 3 of all currently active recipients of the Deferred Action for Childhood Arrivals (DACA) program – approximately 235,000 of our collective residents – call proposed *amici*’s metropolitan areas home.

Proposed *amici* include the City of Los Angeles, California; the City of Austin, Texas; the City of Boston, Massachusetts; the City of Cambridge, Massachusetts; the City of Chelsea, Massachusetts; the City of Chicago, Illinois; Cook County, Illinois; the City of Iowa City, Iowa; King County, Washington; the City of Las Cruces, New Mexico; Los Angeles County, California; the City of Minneapolis, Minnesota; the City of New York, New York; the City of Oakland, California; the City of Philadelphia, Pennsylvania; the City of Portland, Oregon; the City of Rochester, New York; the City of San Diego, California; the City and County of San Francisco, California; the City of Santa Monica, California; the City of Seattle, Washington; the City of Somerville, Massachusetts; the City of Tucson, Arizona; the City of West Hollywood, California; the National League of Cities; and the United States Conference of Mayors.<sup>2</sup>

The DACA program promotes economic prosperity and benefits *amici*’s taxpayers, which means that *amici* will suffer direct economic harm if DACA is rescinded. *Amici* rely heavily upon the economic contributions of foreign-born residents and DACA recipients make up a statistically significant portion of *Amici*’s foreign-born labor force. Additionally, DACA promotes public safety and public welfare. Because DACA applicants had to provide personal and biometric data to DHS to qualify for DACA, recipients will fear deportation at any moment, making them statistically less likely to identify themselves to law enforcement to report crimes or assist in criminal investigations being conducted by *amici*’s sheriffs and police departments.

The proposed brief would describe these harms to cities and counties and explain how the cause of these harms – DACA’s rescission – is contrary to law. The proposed brief would provide this Court with the unique perspective of local governments to assist the Court in evaluating the issues in these cases in a way that is consistent with the law and that serves the best interests of proposed *amici*’s residents. *See Ryan v. Commodity Futures Trading Commission*, 125 F.3d 1062, 1063 (7th Cir. 1997).

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<sup>2</sup> The National League of Cities (NLC) is dedicated to helping city leaders build better communities. NLC is a resource and advocate for 19,000 cities, towns and villages, representing more than 218 million Americans. The United States Conference of Mayors is the official non-partisan organization of cities with populations of 30,000 or more. There are 1,408 such cities in the country today. Each city is represented in the Conference by its chief elected official, the mayor.

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For the foregoing reasons, proposed *amici* request that the Court grant them leave to file an amicus brief in support of Plaintiffs in the above-referenced cases on December 22, 2017.

Respectfully submitted,

By: /s/ Michael J. Dundas  
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cc: All Counsel of Record (via ECF)